

IPW

PATENT
Docket No.: 020824-000910US

TOWNSEND and TOWNSEND and CREW LLP

On: May 19, 2005
By: [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dave Chandler, et al.

Application No.: 10/024,959

Filed: December 18, 2001

For: VOTING APPARATUS AND
METHOD

Confirmation No. 3437

Examiner: Daniel St. Cyr

Art Unit: 2876

REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT
INDICATED IN NOTICE OF
ALLOWANCE (37 C.F.R. § 1.705)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for reconsideration of the Determination of Patent Term Adjustment attached to the Notice of Allowance mailed on February 25, 2005. The issue fee is being paid as set forth in the papers attached hereto.

Pursuant to 37 C.F.R. § 1.705(b)(1), the Commissioner is authorized to charge the amount of \$200 under 37 C.F.R. § 1.18(e), and any other fees associated with this Request, to deposit account number 20-1430.

Pursuant to 37 C.F.R. § 1.705(b)(2), a Statement Of Facts Pursuant to 37 C.F.R. § 1.705(b)(2) is attached. As indicated in the Statement, Applicants believe that the Patent Term Adjustment should read 261 days, not 0 days.

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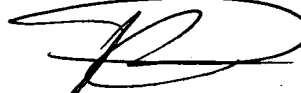
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A favorable action on the Request is requested. If there are any questions or concerns, please contact the undersigned attorney.

Respectfully submitted,



Patrick R. Jewik
Reg. No. 40,456

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
PRJ:prj

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I hereby certify that this correspondence is being mailed to Commissioner
for Patents, United States Patent and Trademark Office, PO Box 1450,
Alexandria, VA 22313-1450 on May 19, 2005

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STATEMENT OF FACTS PURSUANT TO
37 C.F.R. § 1.705(b)(2)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Statement of Facts is being submitted in support of the "Request For Reconsideration of Decision on Request For Reconsideration of Patent Term Adjustment" which is being filed concurrently herewith.

The patent term adjustment shown in the Determination of Patent Term Adjustment mailed on February 25, 2005 states that the Patent Term Adjustment under 35 U.S.C. § 154(b) is 0 days. It is respectfully suggested that the correct patent term adjustment is 261 days, and not 0 days.

37 C.F.R. § 1.705(b)(2)(i), (ii) and (iv)

The bases on which Applicants seek adjustment are as follows:

I. Period for adjustment pursuant to 37 C.F.R. § 1.703

37 C.F.R. § 1.702(b) provides for grounds for adjustment of a patent term if the U.S.P.T.O. fails to issue a patent within three years of the actual filing date of the application. 37 C.F.R. § 1.703(b) provides the period for adjustment under 37 C.F.R. § 1.702(b).

This patent application was filed on December 18, 2001, and will issue on about September 6, 2005 if a patent issues 28 weeks after the mailing of the Determination of Patent Term Adjustment. The 3-year anniversary of the filing date is December 18, 2004. Accordingly, the period for adjustment under 37 C.F.R. § 1.703 is believed to be 261 days.

II. Reduction of period for adjustment pursuant to 37 C.F.R. § 1.704

The period for reduction of period of adjustment of patent term is specified in 37 C.F.R. § 1.704. It is believed that Applicants timely filed all responses to Office Actions in this application so the total reduced period for adjustment is 0 days.

III. Period for adjustment

Since the period for adjustment is 261 days and the reduction of the period for adjustment is 0 days, *Applicants submit that the Patent Term Adjustment on US Patent No. 6,801,751 should be 261 days*, and not 0 days as indicated in the Determination of Patent Term Adjustment.

37 C.F.R. § 1.705(b)(2)(iii)

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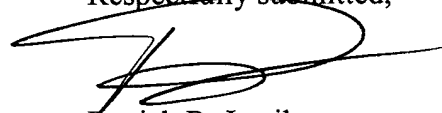
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Any patent granted on this application (37 C.F.R. 1.705(b)(2)(iii)) is not subject to a terminal disclaimer.

Conclusion

Applicants request that the U.S.P.T.O. acknowledge that the Patent Term Adjustment is 261 days, instead of 0 days.

Respectfully submitted,



Patrick R. Jewik
Reg. No. 40,456

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Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
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Fax: (415) 576-0300
PRJ:prj
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